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09/820,006	03/29/2001	Yoshiaki Komatsu	108630	4080

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EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,006

Applicant(s)

KOMATSU, YOSHIAKI

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the response filed on 1/6/2006.
2. No amendments are included with response filed 1/6/2006.
3. Claims 1-23 are pending in the case, claims 1, 5, 12 and 23 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

5. Claims 1-10, 12-18 and 20-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Moran et al. US Patent 5,717,869, filed 11/3/1995, patented 2/10/1998 (hereinafter Moran) in view of Oberteuffer et al. US Patent 6,438,523, filed 5/18/1999, patented 8/20/2002 (hereinafter Oberteuffer).

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6. **Regarding independent claim 1**, Moran discloses a sound data-storing device in Figure 1 at reference sign 103 (shown "*Session Storing Device*"), which receives audio signals from the "*Capture Device*" (reference sign 102A). Moran defines the capture device as: "*Capture Devices are devices which capture and store temporal data. Different types of capture devices will capture different media (e.g. audio, video or writing on a whiteboard) of a session*" (column 6, lines 30-33). Moran discloses the association of the sound data to time data in Figure 11 at reference sign 1111, where the input time is shown at reference sign 1106.

Moran discloses a writing information-inputting device in Figure 16 at reference sign 1601. Moran further recites: "*primitive operations performed and each primitive operation is time stamped and associated with an object. The object is typically defined spatially and as the function performed. For example, draw a line from point X1, Y1 to X2, Y2*" (column 26, lines 27-31).

Moran discloses a handheld playback-selecting device in Figure 3 at reference signs 304 and 305 (shown as "*Set Play State to Play*" and "*Set Play State to Stop*"). Moran further describes the playback selection device as: "*Referring to FIG. 16, the user sees a word in the LiveBoard Window 1601 and wants to replay the conversation when this word was written. The user selects the word 1602 "redundancy" utilizing a suitable selection technique (here by circling the word with a gesture using the pen/mouse)*" (column 27, lines 19-23). As is well known in the art, a mouse is equipped with a switch, which is commonly known as a mouse button.

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Moran discloses the handheld playback-selecting device that outputs a playback start signal with a switch in a first position, and a playback end signal with a switch in a second position. Moran recites: *"Once the cursor is appropriately positioned, a button/switch associated with the cursor control device is quickly depressed and released. This creates a signal which causes a predetermined and context dependent operation to occur. Other operations may require a "double click" where the button/switch is depressed and released rapidly, twice in succession"* (column 5, lines 58-64).

Moran discloses a coordinate data-detecting device. Moran recites: *"primitive operations performed and each primitive operation is time stamped and associated with an object. The object is typically defined spatially and as the function performed. For example, draw a line from point X1, Y1 to X2, Y2"* (column 26, lines 27-31). Moran discloses associating the coordinate data with time as shown in Figure 11 at reference sign 1111 (shown as "Audio" and "Notes").

Moran discloses a writing unit storing device in Figure 1 at reference sign 103 (shown "Session Storing Device"), which receives audio signals from the "Capture Device" (reference sign 102A). Moran defines the capture device as: *"Capture Devices are devices which capture and store temporal data. Different types of capture devices will capture different media (e.g. audio, video or writing on a whiteboard) of a session"* (column 6, lines 35-38). Moran discloses the association of the sound data to time data in Figure 11 at reference sign 1111, where the input time is shown at reference sign 1106.

Moran discloses a data playback device in Figure 3 at reference signs 304 and 305 (shown as "Set Play State to Play" and "Set Play State to Stop"). Moran further describes the playback selection device as: *"Referring to FIG. 16, the user sees a word in the LiveBoard Window 1601 and wants to replay the conversation when this word was written. The user selects the word 1602 "redundancy" utilizing a suitable selection technique (here by circling the word with a gesture using the pen/mouse)"* (column 27, lines 19-23).

Moran discloses the mouse/pen device for controlling the playback device. Moran fails to disclose the sound data playback device (the mouse/pen) with a switch. Oberteuffer teaches the use of a pen with a switch for controlling functions. Oberteuffer recites: *"Other operations are possible using these devices such as highlighting a word in order to provide an additional command by means of other switches on the pointing device"* (column 1, lines 60-62).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to use the pen with a switch as taught by Oberteuffer to control the playback device of Moran in order to provide multiply ways to activate and control the playback operation.

7. **Regarding dependent claim 2**, Moran discloses a playback determination device that determines a correspondence between the sound data and the writing data in Figure 11 at reference sign 1111, where the timeline in the figure indicates the correspondence between the sound data (shown as "Audio – Adam") and the writing data (shown as "Notes – Adam").

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8. **Regarding dependent claim 3**, Moran discloses a sound and writing data storing device that stores the sound and writing data in association to the time data in Figure 1 at reference sign 103 (shown as a "*Session Storage Device*"), where the sound and writing data along with the timing data are shown at reference signs 102A (shown as "*Capture Device*") and 107 (shown as "*Time Stream/ Events*").
9. **Regarding dependent claim 4**, the claim is rejected for fully incorporating the deficiencies of the base claims.
10. **Regarding independent claims 5 and 12**, the claims contain substantially the same subject matter as claim 1, and are rejected using the same rationale.
11. **Regarding dependent claims 6 and 14**, the claims contain substantially the same subject matter as claim 2, and are rejected using the same rationale.
12. **Regarding dependent claims 7 and 13**, the claims contain substantially the same subject matter as claim 3, and are rejected using the same rationale.
13. **Regarding dependent claims 8 and 16**, the claims contain substantially the same subject matter as claim 4, and are rejected using the same rationale.

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14. **Regarding dependent claims 9 and 10**, the claims are rejected for fully incorporating the deficiencies of their base claims.
15. **Regarding dependent claim 15**, the claim is rejected for fully incorporating the deficiencies of the base claims.
16. **Regarding dependent claims 17 and 18**, the claims contain substantially the same subject matter as claims 9 and 10, respectively, and are rejected using the same rationale.
17. **Regarding dependent claims 20-22**, the claims are rejected for fully incorporating the deficiencies of their base claims.
18. **Regarding independent claim 23**, the claim is directed toward a storage medium for the apparatus of claim 1, and is rejected using the same rationale.

Allowable Subject Matter

19. Claims 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

20. Applicant's arguments filed 1/6/2006 have been fully considered but they are not persuasive. The examiner also considered the applicant's separate record of the personal interview, filed on 2/17/2006, for the interview held on 2/7/2006.

21. **Regarding the independent claims**, Applicant argues that the cited art of record does not teach or suggest applicant's claimed invention, and in particular applicant's claimed features of a handheld playback device *"that outputs a playback start signal of the sound data with the switch in a first position and a playback end signal of the sound data with the switch in a second position"* (claims 1, 5 and 23) and *"that plays back sound data stored from the input time of a writing information unit till the input time of a next writing information unit"* (claim 12). The rejection of these claims is restated above. Moran discloses an electronic information recording and playback system as described above. Moran discloses a device that outputs start and stop signals to control the recording and playback of the information.

Moran discloses a mouse/pen device for controlling the playback device. Moran fails to disclose the sound data playback device (the mouse/pen) with a switch. Oberteuffer teaches the use of a pen with a switch for controlling functions. Oberteuffer recites: *"Other operations are possible using these devices such as highlighting a word in order to provide an additional*

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command by means of other switches on the pointing device” (column 1, lines 60-62).

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

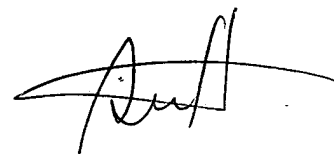
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124.

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The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
March 27, 2006



STEPHEN HONG
JOINT PATENT EXAMINER